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Attorneys for Plaintiff  
SUNSWEEET GROWERS, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SUNSWEEET GROWERS, INC., a California Corporation,	)	Case No. 2:05-CV-00618 GEB PAN
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>CONCERNING TRANSFER OF THE</b>
v.	)	<b>INTERPLEAD FUNDS FROM BUTTE</b>
	)	<b>COUNTY COURT TO EASTERN</b>
	)	<b>DISTRICT OF CALIFORNIA</b>
RICHARD C. ATTINGER, ROBERT	)	
GWALTNEY, LOUISE GWALTNEY,	)	
CORRIE LEISEN, JANET LEISEN, ERIK	)	
NIELSEN ENTERPRISES, JOHN TAYLOR	)	
FERTILIZER, U.S. DEPARTMENT OF	)	
AGRICULTURE, MOE WHITCHURCH and	)	
DOES 1 through 10, inclusive,	)	
	)	
Defendants.	)	

Plaintiff Sunsweet Growers, Inc. and Defendants Richard C. Attinger, Robert and Louise Gwaltney, John Taylor Fertilizer, and the U.S. Department of Agriculture (collectively, the "Parties" in this action) hereby present the following stipulation and request that the Court enter the attached proposed order.

This interpleader action was originally filed by Sunsweet in Butte County Superior Court on January 28, 2005, Case No. 134215. Concurrently with the filing of the complaint, Sunsweet deposited the sum of \$83,640.75 with the Clerk of the Butte County Court. These funds constitute the interplead funds for which the Defendants claim an interest in this action.

1 On or about March 28, 2005, the U.S. Department of Agriculture removed this action to  
2 this Court pursuant to 28 U.S.C. §§ 1441, 1442 and 1444, because this is a civil action against the  
3 pecuniary interest of the United States.

4 The interplead funds as well as any interest that has accrued since their deposit in January  
5 2005 have not been transferred from the Butte County Court to the Clerk of this Court despite  
6 the case's removal. The Butte County Clerk informed Sunsweet's counsel that the funds can  
7 only be released from the Butte County Court by way of stipulation submitted to the state court.  
8

9 Accordingly, the parties hereby stipulate to file the stipulation and order thereon attached  
10 hereto as Exhibit A with the Butte County Court. The stipulation and order thereon provide that  
11 the Butte County Court Clerk will transfer the interplead funds deposited by Sunsweet Growers,  
12 Inc. with the Butte County Clerk in Butte County Superior Court Case No. 134215, as well as  
13 any interest that has accrued since their deposit, to the Clerk of the Eastern District of California,  
14 by way of check made payable to the Clerk of the Eastern District of California, and send the  
15 check along with the stipulation and order thereon, to Clerk of the Eastern District of California,  
16 501 "I" Street, Sacramento, California 95814.

17 Accordingly, the parties hereby request that the Court allow the parties to file the  
18 stipulation and order thereon attached hereto as Exhibit A with the Butte County Court.  
19

20 DATED: October \_\_\_, 2005

SEYFARTH SHAW LLP

21 By: \_\_\_/s/\_\_\_\_\_  
22 Kurt A. Kappes  
23 Robert B. Milligan  
24 Attorneys for Plaintiff  
25 SUNSWEET GROWERS, INC.  
26  
27  
28

1 DATED: October \_\_\_\_, 2005

MINASIAN, SPRUANCE, BABER,  
MEITH, SOARES & SEXTON, LLP

2  
3 By\_\_\_/s/\_\_\_\_\_  
4 Paul R. Minasian

5 Attorneys for RICHARD C. ATTINGER,  
6 ROBERT GWALTNEY, LOUISE  
GWALTNEY

7 DATED: October \_\_\_\_, 2005

McGREGOR W. SCOTT  
United States Attorney

8  
9 By\_\_\_/s/\_\_\_\_\_  
10 Ana Maria Martel

11 Assistant U.S. Attorney  
12 Attorneys for UNITED STATES OF  
13 AMERICA, ON BEHALF OF ITS  
DEPARTMENT OF AGRICULTURE,  
FARM SERVICE AGENCY

14 DATED: October \_\_\_\_, 2005

RIEGELS, CAMPOS & KENYON LLP

15  
16 By\_\_\_/s/\_\_\_\_\_  
17 David Andrew Riegels

18 Attorneys for JOHN TAYLOR  
19 FERTILIZER  
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**[Proposed] Order**

Having read the parties' stipulation, and good cause appearing, the Court hereby orders that the parties in this action may file the stipulation and order thereon attached as Exhibit A hereto with the Butte County Court, so that the interplead funds deposited by Sunsweet Growers, Inc. with the Butte County Clerk in Butte County Superior Court Case No. 134215, as well as any interest that has accrued since their deposit, can be transferred from Butte County to the Eastern District of California.

IT IS SO ORDERED.

DATED: December 5, 2005

/s/ Garland E. Burrell, Jr.  
GARLAND E. BURRELL, JR.  
United States District Judge